

October 13, 2020

Exhibit 22

Sandy Scherer, Paralegal
Department of Environmental Quality
1520 E. Sixth Avenue
P.O. Box 200901
Helena, Montana 59620-0901

October 9, 2020

Sent via email to: sscherer@mt.gov,

Selenium Standards for the Kootenai River below Libby Dam and Koocanusa

Dear DEQ:

I strongly support DEQ's proposed selenium standards. I support the DEQ recommendation of 0.8 ug/L for Koocanusa and 3.1 ug/L for the Kootenai River.

As a city council member of Troy, Montana, I have taken a particular interest in the DEQ's standard-setting process for selenium in the Kootenai River and Koocanusa. Troy sits on the River and is of immense importance to our community as a source of pride and as an economic driver for our local economy. We need to ensure that the water quality of the River and Koocanusa remain in good shape and beneficial for Montanans and our many visitors.

Teck's mining operation in the Elk River Valley of BC is impacting our water and fish. The white sturgeon is both an endangered species and one of the most, if not the most, sensitive species to selenium. I understand that selenium is now found in elevated concentration in the Kootenai River below the Dam. I think it is imperative that DEQ and Montana establish updated standards for this pollutant as soon as possible.

BC must be held accountable for this pollution. We can't hold them accountable unless we have updated and scientifically validated standards. I am aware that the USGS and USEPA have employed the best selenium scientists in the country to derive these standards as part of the Selenium Technical Committee. In addition, I understand that DEQ must review this standard every three years to ensure that the standards remain appropriate to ensure the state is achieving the intended water quality results.

Lastly, I am also aware that the scientific effort that has resulted in the proposed standards began about five years ago, and that the DEQ proposed then to complete the standard-setting process by the end of 2020. Kudos to DEQ for reaching that milestone. I fully support completing these standard this year and not delaying.

Thank you for the opportunity to comment. Sincerely,

Shawna Kelsey

cc. Montana Water Policy Interim Committee via email to jasonmohr@mt.gov

From: M Rooney
To: Moisey Scherer, Sandy; Mohr, Jason
Subject: [EXTERNAL] DEQ Process to Establish Selenium Standard for Lake Koocanusa and Kootenai River
Date: Sunday, October 11, 2020 2:55:19 PM

I support Montana DEQ's formulation of a Selenium standard for Lake Koocanusa and the Kootenai River, and urge DEQ to do it as soon as possible. At a maximum, these levels should be set at 0.8 ug/l for Lake Koocanusa and 3.1 ug/l for the Kootenai River below Libby Dam. You cannot wait on BC to protect our waters based on the incredibly biased pressure placed on them by Teck. There is too much at stake for all the downstream interests that call the entire Kootenai (Kootenay) headwaters their legacy waters. This includes Canada which also sees the return of Kootenai waters into the headwaters of the Columbia. But you know all this.

I am 73-years-old, born in Kalispell and raised in Libby, and am now retired after spending 35-years in the petroleum industry as an engineer and manager for Conoco and British Petroleum, having spent my career in four countries as well as five locations in the USA. I live in Libby and have recreated and fished the Kootenai waters since I was 7-yrs-old. I also worked on the construction of Libby Dam in the 70s and lost a thumb to an industrial accident on the dam before I returned to finish my Degree in Mechanical Engineering Technology at Montana State University. My wife and I chose to return to Libby in retirement primarily due to the recreational opportunities that abound in NW Montana. Perhaps my several years post retirement occupation as a fly fishing guide on the Kootenai River has seasoned my respect for this incredible river. Which makes me want to see a satisfactory solution to all the work that DEQ have been performing to set the Kootenai River/Lake Koocanusa selenium standards. My intermittent life on the Kootenai River has produced an awareness that insect levels have shifted simply due to the significantly reduced nutrient flows caused by the construction of Libby Dam. Increased selenium levels upstream in the Elk River headwaters has added an insidious, destructive element to the most basic life forms in the river.

Two of our locally elected officials, specifically Mike Cuffe and Steve Gunderson have requested you delay the setting of these standards. I personally know Mike Cuffe very well and his greatest fear for setting the standards is that it could seriously impede or stop the process for approving two mines within the Cabinet Mountains. I know that Steve Gunderson has also latched onto this reason. Both men need to realize that the selenium issue will never go away, will get worse, and that if selenium becomes an issue of its own for the two mines within the Cabinets, so be it. We cannot waste time setting these standards, and all mines must be able to stand on their own merits regardless the offsetting, supposedly unconnected effects of the establishment of any standards for emissions or toxic releases from unassociated mining projects near or far away.

It is in Native Americans', First Nations', Montanans', Idahoans', Canadians', and Washingtonians' best interests and water legacies that this selenium standard setting be completed as swiftly and legally as possible.

Thank you for all the professional work all of you have done to this point.

Sincerely, Mike Rooney
169 Kootenai Drive
Libby, Montana
406-293-1947 (personal cell and text)

Sent from my iPad